

REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of June 1, 2004. Claims 1, 3, 4, 5, 8, 10-14 and 16-18 are pending in the present application. Claims 1, 3, 4, 8, 10-14 and 16-18 are rejected. Claims 2, 6-7, 9, 15, and 20, were previously cancelled. Consequently, claims 1, 3, 4, 5, 8, 10-14 and 16-18 remain pending in the present application.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration allowance and passage to issue of the present application are respectfully requested.

Double Patenting

The Examiner states:

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCP 1970); and, *In re Thornton*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejected based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

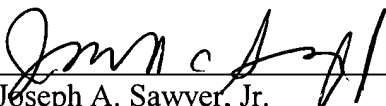
2. Claims 1, 3-4, 8, 10-14 and 16-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,348,812. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the recites limitations are found in the U.S. Patent No. 6,348,812's claims.

Applicant files herewith a terminal disclaimer. Accordingly, Applicant submits that the claims presently pending are now allowable. Accordingly, Applicant respectfully requests reconsideration and allowance of the claims as now presented.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

August 5, 2004
Date



Joseph A. Sawyer, Jr.
Attorney for Applicant(s)
Reg. No. 30,801
(650) 493-4540